

**15163. Adulteration and alleged misbranding of coffee. U. S. v. 4 Drums of Coffee. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21629. I. S. No. 11747-x. S. No. C-5318.)**

On February 11, 1927, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 drums of coffee, remaining in the original unbroken packages at Tenaha, Tex., alleging that the article had been shipped by the Diamond Coffee Mills, Shreveport, La., on or about December 28, 1926, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part "Packed by Diamond Coffee Mills, Shreveport, La. Coffee and Chicory."

Adulteration of the article was alleged in the libel for the reason that cereals had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation, "Coffee and Chicory," was false and misleading and deceived and misled the purchaser and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, coffee and chicory.

On April 5, 1927, no claimant having appeared for the property, a decree was entered, adjudging the product adulterated, and ordering its condemnation, forfeiture, and destruction.

W. M. JARDINE, *Secretary of Agriculture.*

**15164. Adulteration and misbranding of fruit sirup. U. S. v. Lash's Products Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 21584. I. S. No. 13631-x.)**

On April 7, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lash's Products Co., a corporation, trading at New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on July 15, 1926, from the State of New York into the State of New Jersey, of a quantity of fruit sirup which was adulterated and misbranded. The article was labeled in part: (jug "Lash's \* \* \* Sangaree Syrup Certified Food Color Red Cherry (True Fruit) Flavor Fruit Acid Added \* \* \* Lash's Products Company New York—Chicago—San Francisco.")

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an imitation cherry-flavored sirup, artificially colored, had been substituted for red cherry sirup, true fruit flavor, which the said article purported to be. Adulteration was alleged for the further reason that the product was an article inferior to red cherry sirup, true fruit flavor, to wit, a product composed in large part of an imitation cherry-flavored sirup, and was artificially colored with a certain coal-tar dye, to wit, Amaranth S & J 107, so as to simulate the appearance of red cherry sirup, and in a manner whereby its inferiority to red cherry sirup was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Syrup \* \* \* Red Cherry (True Fruit) Flavor," borne on the label of the said jug was false and misleading in that the said statement represented that the article was red cherry sirup, true fruit flavor, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was red cherry sirup, true fruit flavor, whereas it was not, but was a mixture composed in large part of an imitation cherry-flavored sirup, artificially colored. Misbranding was alleged for the further reason that the article was product deficient in fruit juice, artificially flavored and colored, and was prepared in imitation of red cherry sirup, true fruit flavor, and was sold under the distinctive name of another article, to wit, red cherry sirup, true fruit flavor.

On April 25, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*